

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-483-G - ORDER NO. 98-461

JUNE 18, 1998

IN RE: Application of Piedmont Natural Gas)	ORDER RULING
Company for Authority to Abandon Service)	ON MOTIONS
to BASF Corporation and to Offer Future)	
Service upon Negotiated, Non-Regulated)	
Prices.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) pursuant to oral arguments on pending motions in this Docket. Piedmont Natural Gas Company, Inc. (Piedmont) presented arguments on a Motion to Compel, and BASF Corporation (BASF) presented arguments on a Motion to Dismiss the action, or, in the alternative, to continue this matter.

The oral arguments were held on June 11, 1998 at 3:30 PM in the offices of the Commission, with the Honorable Guy Butler, Chairman, presiding. Piedmont was represented by Jim Jeffries, Esq. and Al Bynum, Esq. BASF was represented by William F. Austin, Esq. The Intervenor Consumer Advocate for the State of South Carolina (the Consumer Advocate) was also present, and represented by Elliott F. Elam, Jr., Esq. The Commission Staff was represented by F. David Butler, General Counsel.

Jim Jeffries, Esq. argued Piedmont's Motion to Compel. Jeffries noted that the date of the hearing was approaching, and that Piedmont was entitled to the answers to its

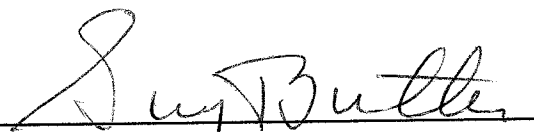
interrogatories. Jeffries also argued against this Commission granting BASF's Motion to Dismiss.

William Austin, Esq. argued BASF's Motion to Dismiss, or, in the alternative, for a continuance. Austin asked this Commission to hold this proceeding in abeyance until such time as the Federal Energy Regulatory Commission (FERC) rules on the interstate portion of the case, wherein the "bypass" of Piedmont's lines is officially at issue. Austin, among other arguments, states that the issue is not ripe for review at this time. Austin cites the case of Waters v. South Carolina Land Resources Conservation Commission, 321 S.C. 219, 467 S.E. 2d 913 (1996), which discusses the fact that a "justifiable controversy" is one which is a real and substantial controversy, and which is ripe and appropriate for judicial determination, as distinguished from a contingent, hypothetical or abstract dispute. Austin believes that the current dispute fits into the latter category, since it is contingent to some degree on whether FERC allows bypass of the Piedmont line by BASF.

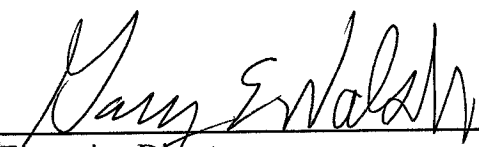
After due consideration of this matter, we agree with Austin. We believe that the issues before us at this time do depend to some degree on whether FERC grants the bypass. The issues in Piedmont's Complaint are not ripe for review. We do not believe that the matter should be dismissed, however, but only continued until such time as FERC rules. We will also hold our ruling in abeyance at this time on Piedmont's Motion to Compel. We will reconsider this Motion after FERC rules on the basic issue of bypass in this case.

This Order shall remain in full force and effect until further Order of the
Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)